

**United States District Court  
For The  
District of Vermont**

MARK D. SURGEN, :  
Plaintiff, :  
v. :  
INTERNATIONAL BUSINESS MACHINES :  
CORPORATION, :  
Defendants. :      CASE NUMBER: 2:04-CV-52

**ORDER OF DISMISSAL**

The court having been advised by counsel for the parties that the above-entitled action has been settled,

IT IS ORDERED THAT this action is hereby dismissed, without costs, with the right to petition, upon good cause shown within 60 days, to reopen the action if settlement is not consummated.

IT IS FURTHER ORDERED that the clerk of court serve copies of this order, by United States mail, upon attorneys of record for the parties appearing in this case.

Dated at Burlington, in the District of Vermont, this 26th day of September, 2005.

/s/ William K. Sessions III

Honorable William K. Sessions, III  
United States District Chief Judge